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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,696	07/03/2003	Raffael Sandolo	P-2377/CON	7214

7590  
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01/30/2006

EXAMINER
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BECKER, DREW E

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/613,696

Applicant(s)

SANDOLO, RAFFAEL

Examiner

Drew E. Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 7-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on October 9, 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413),  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of claims 1-6 in the reply filed on December 19, 2005 is acknowledged. The traversal is on the ground(s) that it would not create a serious burden, or undue searching, for the examiner. This is not found persuasive because group I is classified in class 99, while group II is classified in class 426.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 7-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim.

### *Priority*

3. A specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the specification following the title or in an application data sheet. The status of the parent application should be included, i.e. abandoned.

The requirement is still deemed proper and is therefore made FINAL.

### *Drawings*

4. The drawings are objected to because they are unreadable in places and the lines are not uniform. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The

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figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Claim Rejections - 35 USC § 112**

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "the roasted coffee beans" in line 24. There is insufficient antecedent basis for this limitation in the claim.

The objection to the drawings will not be held in abeyance.

8. Claim 1 recites the limitation "said first phase cooling gas" in line 28. There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claim 1 recites the limitation "said second phase cooling gas" in line 34. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 2 recites the limitation "the roasted coffee beans" in line 27. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 2 recites a "second phase cooling means". However, there is no mention of a "first phase cooling means" in the claim. It is not clear whether this element is missing from the claim.

12. Claim 3 recites the limitation "the coffee beans" in line 19. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 3 recites the limitation "the coffee cooling medium" in line 39. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 3 recites "said recirculated cooling medium" as well as "said cooling medium" in lines 40-43. It is not clear whether these terms refer to the same "medium", or not.

15. Claim 3 recites the limitation "the secondary cooling medium" in line 53. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 4 recites the limitation "said cooled coffee beans" in line 2. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 5 recites the limitation "the cooled coffee beans" in line 3. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 5 recites the limitation "said aspirated cooled coffee beans". There is insufficient antecedent basis for this limitation in the claim.

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19. Claim 5 recites "said aspirated cooled coffee beans" as well as "said cooled coffee beans" in lines 7-8. It is not clear whether these terms refer to the same "beans", or not.

20. Claim 6 recites the limitation "said roasted coffee". There is insufficient antecedent basis for this limitation in the claim.

21. Claim 6 recites the limitation "said second cooling phase". There is insufficient antecedent basis for this limitation in the claim.

**Claim Rejections - 35 USC § 103**

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kaatze et al [Pat. No. 4,642,906] in view of Howson [Pat. No. 1,843,131], DE 3711098A1, and Rentzel et al [Pat. No. 5,709,542].

Kaatze et al teach a coffee roasting device comprising a combustion chamber with a burner, housing, gas inlet, and gas outlet (Figure 1, #40), a roasting oven (Figure 1, #12), ducts and conduits which recirculate the gas and connect the various components (Figure 1, #48, 48', 42, 32), a chaff separator (Figure 1, #50), a suction fan with inlet and outlet (Figure 1, #56), a cooling chamber (Figure 1, #20), a gas vent to the atmosphere (Figure 1, #38), means for drawing gas through the cooling chamber and

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

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venting it to the atmosphere (Figure 1, #36, 38), a modulating damper (Figure 1, #94), and a discharge hopper (Figure 1, #70 & 74). Kaatze et al do not recite baffles (claims 1-3), the roasting oven being a perforated drum (claims 1-2), means for recirculating the cooling gas to the combustion chamber (claims 1-3), the suction fan being selectively in communication with both the cooling chamber and roasting oven (claim 2), means for de-stoning (claims 4-6), means for aspirating (claim 5), and the separator being downstream from the suction fan (claims 2-3). Howson teaches a roasting device comprising perforated drum (Figure 2, #21), a suction fan selectively in communication with both the cooling chamber and roasting oven (Figure 1, #1-2; Figures 2-3, #56-57, 78, 80), the separator being downstream from the suction fan (page 3, lines 51-54), and de-stoning and aspirating means (Figure 1, #3). Rentzel et al teach a combustion chamber comprising baffles (Figure 1, #32). DE 3711098A1 teaches a roasting device comprising means for recirculating the cooling gas to the combustion chamber (Figure 1, # 17, 22-23). It would have been obvious to one of ordinary skill in the art to incorporate the baffles of Rentzel et al into the invention of Kaatze et al since both are directed to air cleaning systems, since Kaatze et al already included a combustion chamber (Figure 1, #40) but simply did not describe it in detail, and since Rentzel et al teach that the baffles provided good combustion with a compact construction and made the best possible use of the geometric dwell time (abstract). It would have been obvious to one of ordinary skill in the art to incorporate the perforated drum of Howson into the invention of Kaatze et al, in view of Rentzel et al, since both are directed to coffee roasting systems, since Kaatze et al already included a roasting oven with a rotating comprising means for recirculating the cooling gas to the combustion chamber (Figure

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element (Figure 1, #16), since perforated drums were commonly used as roasting vessels, and since the rotating drum of Howson would be less likely to "miss" beans and leave them in a stationary position where they could be burned. It would have been obvious to one of ordinary skill in the art to incorporate the suction fan configuration of Howson into the invention of Kaatz et al, in view of Rentzel et al, since both are directed to coffee roasting systems, since Kaatz et al already included suction fans, a separator, a cleanser, and a cooling gas circuit (Figure 1, #34, 36, 38, 50, 56, 102), and since placing the separator after a single suction fan, as taught by Howson, would have further ensured the cleanness of the gas before it was vented or reused, as well as

replacing the multiple conduits and fans of Kaatz et al with a simpler and less complicated arrangement of a single suction fan with a single separator. It would have been obvious to one of ordinary skill in the art to incorporate the aspirator and destoner of Howson into the invention of Kaatz et al, in view of Rentzel et al, since both are directed to coffee roasting systems, since Kaatz et al already included a bean separator (Figure 1, #74 & 76), and since the aspirator/destoner of Howson was an effective means of separating and removing debris from roasted and cooled beans (Figure 1, #3). It would have been obvious to one of ordinary skill in the art to incorporate the circulation means of DE 3711098A1 into the invention of Kaatz et al, in view of Rentzel et al and Howson, since both are directed to coffee roasting devices, since Kaatz et al already included a cooling chamber and combustion chamber (Figure 1, #20 & 40), as well as air circulation means (Figure 1, #32, 34, 38), and since recycling the cooling air to the combustion chamber of Kaatz et al would have reduced

destoner (Figure 1, #74 & 76), and the aspirator/destoner of Howson was an



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the amount of pollutants and chaff being vented to the surrounding atmosphere in addition to saving energy as taught by DE 3711098A1 (page 4, line 30).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E. Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Mon.-Fri. 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Drew Becker*  
**DREW BECKER**  
**PRIMARY EXAMINER**

1-17-06